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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,613	07/14/2000	Jeong-Ho Cha	992093	4625
33942	7590	06/01/2005	EXAMINER	
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			ZHONG, CHAD	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/615,613

Applicant(s)

CHA, JEONG-HO

Examiner

Chad Zhong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11, 14 and 18-23 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-3, 13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### OFFICE ACTION

1. This action is responsive to communications: Amendment B, filed on 10/25/2004.
2. Claims 1-11, 13-23 are presented for examination. In Amendment, filed on 10/25/2004:  
claims 4, 6-9, 14 and 15 are amended;  
claims 16-23 are newly added.  
Applicant's remarks filed 10/25/2004 have been considered and are found persuasive

#### *Allowable Subject Matter*

Claims 1-3, 13, 15-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 4-7, 14, 8-11, 18-23 are allowable.

#### *Claim Rejections - 35 USC § 112, second paragraph*

3. Claims 1-11, 13-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack antecedent basis:

- i. said program changed node - claim 1

- b. The claim language in the following claims is murky or not clearly understood:

- i. As per claim 1, line 14-15, it is not clearly understood what is meant by "a data transmitting signal for transmitting the stored new program data to a node for program changing", specifically, is 'a node for program changing' referring to the name of the node it self or an action result of the data transmitting signal?

The following is a suggestion of claim 1 and 2 as amended by the Examiner, the underlined section are the sections added and [] sections are the sections deleted by the Examiner, the

Applicant is advised to make corresponding changes to the remaining claims, i.e. claims 15-17 should be clarified for instance.

1. A program changing method for a network comprising at least two nodes that each have a program, said network further comprising a network management system (NMS) coupled to a first node of the nodes, the method comprising the steps of:

(a) transmitting, by the network management system (NMS), a new program data and a first control signal to said first node coupled to the network management system (NMS) disposed in the network separately from the nodes and configured to manage the changing of the programs of the nodes;

(b) allocating a fixed region in a memory within said first node in response to the reception of the new program data, storing the received new program data in the allocated fixed region, and replacing the program of said first node coupled to the network management system (NMS) with the new program data responsive to the first control signal;

(c) causing the network management system (NMS) to transmit to said [program-changed] first node a data-transmitting signal for transmitting the stored new program data to a second node [for program-changing], and transmitting, by the network management system (NMS), a second control signal to said second node for program-changing; and

(d) in response to the data-transmitting signal, causing said [program-changed] first node to transmit the stored new program data thereof to said second node for program-changing.

2. The method as set forth in Claim 1, wherein the method further comprising the step of (e) replacing the program of said second node [for program-changing] with the new program data received from said [program-changed] first node responsive to the second control signal and the step of (f) transmitting by the network management system (NMS) a data-transmitting signal to

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the [program-changed] second node for transmitting a new program data to a next node coupled to [the program-changed] the second node.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ

April 20, 2004



Dung C. Dinh  
Primary Examiner